HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2704 OF 1997.

Hemant Pandharinath Thakur,
Th: father P. S. Thakur. ..Petitioner.

Versus.

The State of Maharashtra
& Ors. ..Respondents.

Shri. R. K. Mendadkar for the Petitioner.

Shri. C. R. Sonawane, AGP for the Respondent -State.

CORAM: S.B.MHASE &
D.G.KARNIK, JJ.

DATE : JANUARY 19, 2006.

P.C.

1. Heard learned counsel for the appearing parties.

2. By this petition, the Petitioner challenges the judgment and order dated May 31, 1997 passed by the Committee for Scrutiny and Verification of the Tribe Claims (Respondent No.2), rejecting the Petitioner's claim that he belongs to the Thakur tribe and invalidating his tribe certificate.

3. The Petitioner applied for verification of his tribe claim and submitted before the respondent

No.2 all the necessary documents including the birth certificate and school leaving certificates of himself and his father and grand father. The respondent No.2 referred the matter to the vigilance cell for its report. Relying upon the report of the vigilance officer, the respondent No.2 by an order dated 31st May 1997 rejected the petitioner's claim that he belonged to Thakur tribe. That order is impugned in this petition.

4. In paragraph 5.12 of the petition, the Petitioner has stated on oath that the copy of the report of vigilance cell was not furnished to the Petitioner in spite of his request. This statement on oath has not been denied by the respondents by filing any affidavit. Even today, the learned AGP is unable to point out any document showing that a copy of the report of vigilance officer was furnished to the Petitioner. Since the report of vigilance officer was adverse to the Petitioner, it was necessary for the respondent no.2 to give a copy of the same to the Petitioner, especially when he had asked for it, and to give him an opportunity to explain the adverse circumstances mentioned in the report of the vigilance officer. That has not been done. In our opinion, therefore, the matter is required to be remanded back

to the respondent No.2 for fresh hearing.

5. We accordingly set aside the impugned order and remand the matter back to the respondent No.2 who shall hear the matter afresh after furnishing a copy of the report of vigilance officer to the Petitioner and give him an opportunity of explaining the adverse circumstances mentioned in the report of vigilance officer.

(D.G.KARNIK,J.) **(S.B.MHASE, J.)**